

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 395 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

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SAVAIKHAN UMARKHAN BABI

Versus

ZORABIBI WD/O HIMATKHAN MUMREJKHAN  
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Appearance:

MR PRASHAT DESAI FOR MR MRUGEN K PUROHIT for Petitioners  
MR YOGESH S LAKHANI for Respondent No. 1  
NOTICE SERVED BY DS for Respondent No. 4  
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CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 10/08/2000

ORAL JUDGEMENT

#. Learned counsel appearing on both the sides, upon instructions of their clients who are present in the Court, submit that an order by consent may be passed and this appeal may be disposed of accordingly.

#. According to the terms of consent expressed by the learned counsel; the lands originally bearing Survey No.815 and 817/2 are converted into a consolidated block No. 782 and the respondents are agreeable to reserve the land equivalent to 35 gunthas till the final disposal of the suit. Therefore, in terms of consent, it is ordered that such land out of Block No. 782 shall be kept reserved and shall not be transferred, encumbered in any manner, alienated or the possession thereof parted with and shall not be developed further till hearing and final disposal of the original Special Civil Suit No. 66 of 1999. The respondents are also directed that they shall specify the land agreed to be reserved as above in the form of plans and a pursis to the above effect with the plans shall be submitted in the trial court within 30 days from today. The land reserved in accordance with this order shall be such as would be accessible by a public road, in case the appellants succeed in the suit. This order shall operate as an interim arrangement till disposal of the suit and the suit shall be heard and disposed as expeditiously as possible on the basis of evidence and merits without being influenced by the fact that the land is reserved as above.

#. With this order, the appeal stands disposed of with no order as to costs.

Date : 10-8-2000 [ D. H. Waghela, J. ]

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